

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 1A and 1B. This sheet, which includes Figs. 1A and 1B replaces the original sheet including Figs. 1A and 1B.

Attachment: Replacement Sheet

REMARKS

Status of the Application

Prior to this response, claims 1-43 were pending in this application. Claims 34-43 are hereby affirmatively withdrawn from consideration, per a telephone conversation with the Examiner on December 17, 2007. Claims 1 and 21 have been amended. Claims 12-14, 25-27 and 30-32 have been canceled. No new claims have been added. Hence, claims 1-11, 15-24, 28, 29 and 33 remain pending for examination. Applicant respectfully requests reconsideration of the application in view of the amendments and remarks made herein.

The Drawings stand objected to because Figs. 1A and 1B are considered to be prior art as these figures are described as "typical."

Claim 1 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claims 1-3, 6-7 and 17-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by the cited portions of U.S. Patent Publication No. 2003/0113085 to M'Saad ("M'Saad").

Claims 1-3, 6-7, 11 and 15-20 stand rejected under 35 U.S.C. §103(a) as being obvious over Breiner et al. ("Breiner") in view of the cited portions of U.S. Patent No. 7,092,602 to Park et al. ("Park") and the cited portions of U.S. Patent Publication No. 2002/0075486 to Zhang et al. ("Zhang").

Claims 8-10, 21-22, 28 and 33 stand rejected under 35 U.S.C. §103(a) as being obvious over Breiner in view of Park and Zhang, and further in view of the cited portions of U.S. Patent No. 5,946,542 to Iyer ("Iyer").

Claims 4-5 and 23-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Breiner in view of Park and Zhang, and further in view of the cited portions of U.S. Patent No. 5,042,895 to Chouinard et al. ("Chouinard").

Remarks

§112, Second Paragraph, Rejection - Claim 1

Claim 1 stands rejected under §112 as being indefinite. Applicant has amended the claim to more clearly recite the embodiments of Applicant's invention claimed therein, and therefore respectfully requests withdrawal of the rejection of this claim.

§102 and §103 Rejections - Claim 1

Claim 1 stands rejected as being anticipated by M'Sadd and obvious over Breiner in view of Park and Zhang. Applicant has amended claim 1 to include recitations previously found in now-canceled original claims 30 and 31. No grounds of rejection were provided in the Office Action for claim 31, and Applicant therefore presumes there recitations therein are allowable over the cited references. Furthermore, Applicant can find no teaching or suggest of such recitations in the cited references. Therefore, Applicant respectfully submits that the references cannot anticipate claim 1, nor establish a prima facie case of obviousness with respect thereto. Consequently, Applicant respectfully requests the withdrawal of the §102 and §103 rejections of this claim.

§103 Rejection - Claim 10

Claim 10 stands rejected as being obvious over Breiner in view of Park and Zhang, and further in view of Iyer. Applicant respectfully traverses this rejection at least because these references do not teach or suggest "an ellipsometry measurement" as recited by claim 10. Applicant can find no mention of ellipsometry measurements in Breiner, Park, Zhang and Iyer, and respectfully requests a specific citation to such a disclosure if it exists within the references. Otherwise, Applicant respectfully requests withdrawal of the §103 rejection of this claim. Furthermore, claim 10 depends, either directly or indirectly from claim 1, and is therefore believed to be allowable at least by virtue of its dependence from an allowable base claim.

§103 Rejection - Claim 21

Claim 21 stands rejected as being obvious over Breiner in view of Park and Zhang, and further in view of the cited portions of Iyer. Applicant has amended claim 21 to include recitations previously found in now-canceled original claims 30 and 32. No grounds of rejection were provided in the Office Action for claim 32, and Applicant therefore presumes there recitations therein are allowable over the cited references. Furthermore, Applicant can find no teaching or suggest of such recitations in the cited references. Therefore, Applicant respectfully submits that the references cannot establish a prima facie case of obviousness with respect to claim 21. Consequently, Applicant respectfully requests the withdrawal of the §103 rejection of this claim.

Claims 2-9, 11, 15-20, 22-24, 28, 29, 33

Each of claims 2-9, 11, 15-20, 22-24, 28, 29, 33 depends, either directly or indirectly from claims 1 or 21, and is therefore believed to be allowable at least by virtue of their dependence from an allowable base claim. Consequently, Applicant respectfully requests the withdrawal of the §102 and ejections of these claims.

CONCLUSION

For at least all of the foregoing reasons, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

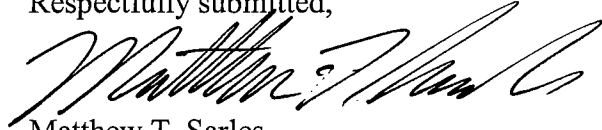
If the Examiner believes a telephone conference would expedite prosecution of

Appl. No. 10/817,611
Amdt. dated June 3, 2008
Reply to Office Action of January 3, 2008

PATENT

this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew T. Sarles", written in a cursive style.

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